

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

) Case No.: CV 09-00091- SBA

VS.

Defendants

Plaintiff, MARIA ALICEA and Defendant, GE MONEY BANK stipulate and agree, by and through their respective counsel that:

Stipulation and [Proposed] Order Regarding First Amended Complaint.

2. Plaintiff's Amended Complaint is due on July 7, 2009;

3. Defendants SAXON MORTGAGE, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ABFC 2007-WMC1 TRUST ("SAXON Defendants") filed a Motion to Dismiss Plaintiff's Complaint which was set to be heard on June 30, 2009. The ruling on this hearing has not been issued;

4. Since the pleadings are not yet at issue and there is a possibility that the Court may grant the Motion to Dismiss by SAXON Defendants and allow Plaintiff leave to amend, filing an Amended Complaint pursuant to Judge Armstrong's June 18, 2009 Order may cause confusion and waste the Court's resources;

5. Accordingly, in order to conserve the Court's resources and promote efficiency and to avoid potential conflicting pleadings, Defendant GE MONEY BANK and Plaintiff MARIA ALICEA hereby stipulate and agree that:

a. Plaintiff's Amended Complaint will be filed after the ruling on the SAXON Defendants' Motion to Dismiss;

b. Should the Court grant the SAXON Defendants' Motion to Dismiss and allow Plaintiff leave to amend, Plaintiff shall file her Amended Complaint based on the new deadline to be set by the Court pursuant to the Order on the SAXON Defendants' Motion to Dismiss;

c. Should the Court not allow Plaintiff leave to amend or deny the SAXON Defendants' Motion to Dismiss, Plaintiff's deadline to file an Amended Complaint pursuant to Judge Armstrong's June 18, 2009 Order on Defendant GE MONEY BANK's Motion to Dismiss shall be three (3) days from the date of the Order on the SAXON Defendants' Motion to Dismiss and Defendant GE MONEY BANK's response will be due 20 days following Plaintiff's filing of the Amended Complaint.

IT IS SO STIPULATED.

1 DATED: July 8, 2009

NOCOS LAW FIRM
A Professional Corporation

2
3 By: /s/ Reuben L. Nocos
Reuben L. Nocos

4 **Attorneys for Plaintiff**
5 **MARIA ALICEA**

6 DATED: July 8, 2009

LAW OFFICES OF GLENN H. WECHSLER

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8 By: /s/ Glenn H. Wechsler
Glenn H. Wechsler

9 **Attorneys for Defendants**
10 **GE MONEY BANK**

11 **ORDER**

12 Pursuant to the Stipulation Regarding Plaintiff's Amended Complaint, it is ordered that:
13 Plaintiff's Amended Complaint will be filed after the ruling on the Motion to Dismiss
14 filed by Defendants SAXON MORTGAGE, MORTGAGE ELECTRONIC REGISTRATION
15 SYSTEMS, INC. and U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR ABFC
16 2007-WMC1 TRUST ("SAXON Defendants"). Should the Court grant the SAXON Defendants'
17 Motion to Dismiss and allow Plaintiff leave to amend, Plaintiff shall file her Amended
18 Complaint based on the new deadline to be set by the Court pursuant to the Order on the
19 SAXON Defendants' Motion to Dismiss. Should the Court not allow Plaintiff leave to amend or
20 deny the SAXON Defendants' Motion to Dismiss Plaintiff's deadline to file an Amended
21 Complaint pursuant to Judge Armstrong's June 18, 2009 Order on Defendant GE MONEY
22 BANK's Motion to Dismiss shall be three (3) days from the date of the Order on the SAXON
23 Defendants' Motion to Dismiss and Defendant GE MONEY BANK shall have 20 days from the
24 time of Plaintiff's filing to file a response.

25 IT IS SO ORDERED.

26
27 Dated: 7/7/09

28 
United States District Judge